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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,859	03/06/2002	Richard M. Adler	ADLER 01.01	6936
22186	7590	02/05/2009	EXAMINER	
MENDELSON AND ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102			ERB, NATHAN	
			ART UNIT	PAPER NUMBER
			3628	
			MAIL DATE	DELIVERY MODE
			02/05/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD M. ADLER

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Application No. 10/091,859  
Technology Center: 3600

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Mailed: February 5, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 6, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF

A review of the file indicates that the APPEAL BRIEF filed February 22, 2007 is defective. MPEP 1205.02 states:

The copy of the claims should be a clean copy and should not include any markings such as brackets or underlining..... (see claim 110, under the claims appendix)

Further, the Appeal Brief filed February 22, 2007, states under Status of Amendments “No amendments were filed after the July 14, 2006 Final Office Action.” But, an amendment was filed on September 11, 2006, and in an Advisory Action filed on October 16, 2006, the examiner stated that the Amendments would be entered. Appropriate correction is required for clarification of the record.

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner:

- 1) to hold the Appeal Brief filed February 22, 2007, defective;
- 2) notify appellant to file a Supplemental Appeal Brief with a clean copy of the claims for the Claims Appendix as required by MPEP 1205.02;
- 3) list the correct information under the Status of Amendments;
- 4) acknowledge receipt and consideration of the Supplemental Appeal Brief; and
- 5) for such further action as may be appropriate.

Application No.10/091,859

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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